

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION (WORCESTER)**

MICHAEL DAWE
Plaintiff,

V.

CAPITAL ONE BANK
Defendant.

CASE NO. 04-40192 FDS

LOCAL RULE 16.1(D)(3) CERTIFICATION

The undersigned hereby certify that we have conferred with respect to establishing a budget for the cost of conducting the full course, and various alternative courses, of the litigation and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Capital One Bank

Counsel for Defendant

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By: Nicholas G. Sladic
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/s/ Bruce D. Berns
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